

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Philippe ROUANET et al.  
Title: Percutaneous Composition  
Comprising 4-Hydroxy Tamoxifen  
Appl. No.: 10/734,638  
Filing Date: 12/15/2003  
Examiner: Deirdre Renee Claytor  
Art Unit: 1617  
Confirmation Number: 9056

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Laboratoires Besins International SA, having its principal place of business at 13, rue Perier, Montrouge, 92120, France, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/734,638, filed 12/15/2003, by virtue of an Assignment filed and recorded on 01/17/2006, on Reel/Frame 017199/0967, in the United States Patent and Trademark Office, a copy of the Abstract of Title of which is attached hereto as APPENDIX A.

Further, your Petitioner represents that it is the owner of U.S. Patent Application No. 10/734,644, filed 12/15/2003, by virtue of an Assignment filed and recorded on 07/18/2007, on Reel/Frame 019569/0293, in the United States Patent and Trademark Office, a copy of the Abstract of Title of which is attached hereto as APPENDIX B.

Further, your Petitioner represents that it is the owner of U.S. Patent Application No. 10/805,528, filed 03/22/2004, and now U.S. Patent No. 7,507,769, issued 03/24/2009, by virtue of an Assignment filed and recorded on 03/29/2005, on Reel/Frame 016406/0665, in the United States Patent and Trademark Office, a copy of the Abstract of Title of which is attached hereto as APPENDIX C.

Further, your Petitioner represents that it is the owner of U.S. Patent Application No. 10/734,640, filed 12/15/2003, by virtue of an Assignment filed and recorded on 01/03/2005, on Reel/Frame 016118/0325, in the United States Patent and Trademark Office, a copy of the Abstract of Title of which is attached hereto as APPENDIX D.

Your Petitioner, Laboratoires Besins International SA, hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application 10/734,638, which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent No. 7,507,769, or of any patent granted on U.S. Patent Application 10/734,644, or U.S. Patent Application 10/734,640, and hereby agrees that any patent so granted on U.S. Patent Application 10/734,638 shall be enforceable only for and during such period that the legal title to U.S. Patent No. 7,507,769, and any patent granted on U.S. Patent Application 10/734,644 or U.S. Patent Application 10/734,640, shall be the same as the legal title to any patent granted on U.S. Patent Application 10/734,638, this agreement to run with any patent granted on U.S. Patent Application 10/734,638 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application 10/734,638, prior to the full statutory term of U.S. Patent No. 7,507,769, or of any patent granted on U.S. Patent Application 10/734,644, or U.S. Patent Application 10/734,640, as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent number 7,507,769 or any patent granted on U.S. Patent Application 10/734,644 or U.S. Patent Application 10/734,640 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an

interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to its full statutory term as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application 10/734,638 that would extend beyond the present termination of U.S. Patent No. 7,507,769 or of any patent granted on U.S. Patent Application 10/734,644 or U.S. Patent Application 10/734,640 in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on U.S. Patent Application 10/734,638 to the extent provided by law including but not limited to 35 U.S.C. §§155, 155A or 156.

The undersigned, being the Attorney of Record for U.S. Patent Application 10/734,638, and duly authorized to act on behalf of Petitioner, certifies that she has reviewed the Assignment Abstract of Titles attached as APPENDICES A, B, C and D, and to the best of her knowledge and belief, legal title to U.S. Patent Application 10/734,638 (U.S. Patent No. 7,507,769), U.S. Patent Application 10/734,644, and U.S. Patent Application 10/734,640 rests with Petitioners, Laboratoires Besins International SA. The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date July 1, 2009

By Courtenay C. Brinckerhoff

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Courtenay C. Brinckerhoff  
Attorney for Applicant  
Registration No. 37,288

# **APPENDIX A**

10/734,638

PERCUTANEOUS COMPOSITION COMPRISING 4-HYDROXY TAMOXIFEN

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**Patent Assignment Abstract of Title**

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**Total Assignments: 1****Application #:** 10734638**Filing Dt:** 12/15/2003**Patent #:** NONE**Issue Dt:****PCT #:** NONE**Publication #:** US20050031695**Pub Dt:** 02/10/2005**Inventors:** Philippe Rouanet, Dominique Salin Drouin, Jacques Weppierre**Title:** PERCUTANEOUS COMPOSITION COMPRISING 4-HYDROXY TAMOXIFEN**Assignment: 1****Reel/Frame:** 017199 / 0967**Received:** 01/17/2006**Recorded:** 01/17/2006**Mailed:** 02/22/2006**Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** ROUANET, PHILIPPE**Exec Dt:** 12/28/2005

DROUIN, DOMINIQUE SALIN

**Exec Dt:** 12/07/2005

WEPIERRE, JACQUES

**Exec Dt:** 11/13/2005**Assignee:** LABORATOIRES BESINS INTERNATIONAL SA

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**Correspondent:** STEPHEN A. BENT

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## **APPENDIX B**

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10/734,644	REDUCTION OF BREAST DENSITY WITH 4-HYDROXY TAMOXIFEN	05-27- 2009::15:58:46
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**Patent Assignment Abstract of Title****Total Assignments: 1****Application #:** 10734644**Filing Dt:** 12/15/2003**Patent #:** 7485623**Issue Dt:** 02/03/2009**PCT #:** NONE**Publication #:** US20040138314**Pub Dt:** 07/15/2004**Inventor:** Jay Bua**Title:** REDUCTION OF BREAST DENSITY WITH 4-HYDROXY TAMOXIFEN**Assignment: 1****Reel/Frame:** 019569 / 0293**Received:** 07/18/2007**Recorded:** 07/18/2007**Mailed:** 07/18/2007**Pages:** 5**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignor:** BUA, JAY**Exec Dt:** 07/02/2007**Assignee:** LABORATOIRES BESINS INTERNATIONAL SA  
3, RUE DU BOURG 1'ABBE  
PARIS, FRANCE 75003**Correspondent:** FOLEY & LARDNER, LLP  
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## **APPENDIX C**



10/805,528

**TREATMENT AND PREVENTION OF BENIGN BREAST DISEASE WITH 4-HYDROXY TAMOXIFEN**05-27-  
2009::16:02:47**Patent Assignment Abstract of Title****Total Assignments: 2****Application #:** 10805528**Filing Dt:** 03/22/2004**Patent #:** 7507769**Issue Dt:** 03/24/2009**PCT #:** NONE**Publication #:** US20050209340**Pub Dt:** 09/22/2005**Inventor:** Elisabeth Le Nestour**Title:** TREATMENT AND PREVENTION OF BENIGN BREAST DISEASE WITH 4-HYDROXY TAMOXIFEN**Assignment: 1****Reel/Frame:** 016406 / 0665**Received:** 04/04/2005**Recorded:** 03/29/2005**Mailed:** 08/16/2005**Pages:** 2**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignor:** LE NESTOUR, ELISABETH**Exec Dt:** 11/04/2004**Assignee:** LABORATOIRES BESINS INTERNATIONAL SA  
13, RUE PERIER  
92120 MONTROUGE, FRANCE**Correspondent:** STEPHEN A. BENTFOLEY & LARDNER LLP  
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3000 K STREET, N.W., SUITE 500  
WASHINGTON, D.C. 20007-5143**Assignment: 2****Reel/Frame:** 016866 / 0625**Received:** 10/11/2005**Recorded:** 10/11/2005**Mailed:** 12/08/2005**Pages:** 4**Conveyance:** CORRECTIVE ASSIGNMENT TO CORRECT ASSIGNEE'S NAME PREVIOUSLY RECORDED ON REEL/FRAME 016406/0665**Assignor:** LE NESTOUR, ELISABETH**Exec Dt:** 11/04/2004**Assignee:** LABORATOIRES BESINS INTERNATIONAL SA  
13, RUE PERIER  
92120 MONTROUGE, FRANCE**Correspondent:** STEPHEN A. BENTFOLEY & LARDNER LLP  
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# **APPENDIX D**

10/734,640 Treatment of mastalgia with 4-hydroxy tamoxifen

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**Patent Assignment Abstract of Title**

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**Total Assignments: 1****Application #:** 10734640**Filing Dt:** 12/15/2003**Patent #:** NONE**Issue Dt:****PCT #:** NONE**Publication #:** US20050032909**Pub Dt:** 02/10/2005**Inventors:** Bruno de Lignieres, Gabrielle Elisabeth Brink de Lignieres**Title:** Treatment of mastalgia with 4-hydroxy tamoxifen**Assignment: 1****Reel/Frame:** 016118 / 0325**Received:** 01/06/2005**Recorded:** 01/03/2005**Mailed:** 06/10/2005**Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignor:** DE LIGNIERES, GABRIELLE ELISABETH BRINK LEGAL REPRESENTATIVE FOR BRUNO DE LIGNIERES (DECEASED)**Exec Dt:** 11/23/2004**Assignee:** LABORATORIES BESINS INTERNATIONAL  
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